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REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

Afghanistan, Albania, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belize, Bulgaria, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, El Salvador, Eritrea, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kenya, Liechtenstein, Luxembourg, Malawi, Monaco, Morocco, Mozambique, Namibia, Netherlands, Nicaragua, Norway, Pakistan, Panama, Paraguay, Poland, Portugal, Republic of Korea, Romania, Rwanda, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Suriname, Sweden, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay: draft resolution

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of her Office 1/ and the report of the Executive Committee of the Programme of the High Commissioner on the work of its

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1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 12 (A/49/12).

forty-fifth session, 2/ and taking note of the statement made by the High Commissioner on 9 November 1994, 3/

Recalling its resolution 48/116 of 20 December 1993,

Expressing deep concern at the immense human suffering and loss of life which have accompanied recent crises involving refugee flows and other forced displacements, as well as the magnitude and complexity of current refugee problems, which have made more difficult the accomplishment of the High Commissioner's crucial functions of ensuring international protection for refugees and achieving timely and durable solutions to their plight,

Reaffirming the importance of the 1951 Convention 4/ and the 1967 Protocol 5/ relating to the Status of Refugees as the cornerstone of the international system for the protection of refugees, and noting with satisfaction that one hundred and twenty seven States are now parties to one or both instruments,

Reaffirming the purely humanitarian and non-political character of the activities of the Office of the High Commissioner, as well as the crucial importance of the High Commissioner's functions of providing international protection to refugees and seeking solutions to refugee problems,

Welcoming the continuing strong commitment of States to provide protection and assistance to refugees and the valuable support extended by Governments to the High Commissioner in carrying out her humanitarian tasks,

Also welcoming the strong commitment made by States, in the Programme of Action adopted by the International Conference on Population and Development, 6/ held at Cairo from 5 to 13 September 1994, to the institution of asylum and to refugees and displaced persons,

Emphasizing the need for States to assist the High Commissioner in seeking durable and timely solutions to the problems of refugees, and to take part in efforts to prevent conditions that might give rise to the flight of refugees, and to address the root causes of refugee outflows, and underlining, in this connection, State responsibility, particularly as it relates to countries of origin,

Commending the High Commissioner and her staff for the competent, courageous and dedicated manner in which they discharge their responsibilities,

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2/ Ibid., Supplement No. 12A (A/49/12/Add.1).

3/ Ibid., Third Committee, 23rd meeting.

4/ United Nations, Treaty Series, vol. 189, No. 2545.

5/ Ibid., vol. 606, No. 8791.

6/ A/CONF.171/13, chap. I, resolution 1, annex.

paying tribute to those staff members who have endangered their lives in the course of their duties, and noting with profound regret the deaths of staff members as a consequence of violent events in several countries around the world,

Commending also those States, particularly the least developed and those hosting millions of refugees over long periods of time, which, despite severe economic, development and environmental challenges of their own, continue to admit large numbers of refugees into their territories, and emphasizing the need to share the burden of those States to the maximum extent possible through international assistance, including development-oriented assistance and assistance related to the impact on the environment of the large numbers of refugees and displaced persons of concern to the Office of the High Commissioner,

Noting with concern that the number of refugees and other persons to whom the Office of the High Commissioner is called upon to provide assistance and protection has continued to increase and that their protection continues to be seriously jeopardized in many situations as a result of denial of admission, unlawful expulsion, refoulement, unjustified detention, other threats to their personal security, dignity and well-being and failure to respect and ensure their fundamental freedoms and human rights,

Recognizing that, in certain regions, the misuse by individuals of asylum procedures jeopardizes the institution of asylum and adversely affects the prompt and effective protection of refugees,

Noting that the involuntary displacement of persons within their own countries remains a problem of grave humanitarian concern, and that the many and varied underlying causes of involuntary internal displacement and of refugee movements are similar in numerous cases,

Recognizing that actions by the international community, in consultation and coordination with the State concerned, on behalf of the internally displaced may contribute to the easing of tensions and the resolution of problems resulting in displacement, and constitute important components of a comprehensive approach to the prevention and solution of refugee problems,

Noting that, in a number of instances, the internally displaced are present alongside refugees, returnees or a vulnerable local population, in situations where it is neither reasonable nor feasible to treat the categories differently in responding to their needs for assistance and protection,

Welcoming the continuing efforts of the High Commissioner to meet the protection and assistance needs of refugee women and children, who constitute the majority of the world's refugee population and who are often exposed to serious threats to their safety and well-being,

Noting with concern the persistent problems of stateless persons in various regions and the emergence of new situations of statelessness,

1. Strongly reaffirms the fundamental importance of the function of the United Nations High Commissioner for Refugees of providing international protection to refugees and the need for States to cooperate fully with her Office in order to facilitate the effective exercise of that function;

2. Calls upon all States that have not yet done so to accede or declare succession to and to implement fully the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and relevant regional instruments for the protection of refugees;

3. Deplores the fact that in certain situations refugees and returnees and other persons of concern to the Office of the High Commissioner have been subjected to armed attack, murder, rape and other violations of or threats to their personal security and other fundamental rights and that incidents of refoulement and denial of access to safety have occurred, and calls upon States to take all measures necessary to ensure respect for the principles of refugee protection and the humane treatment of asylum-seekers in accordance with internationally recognized human rights norms;

4. Calls upon all States to uphold asylum as an indispensable instrument for the international protection of refugees, and to respect scrupulously the fundamental principle of non-refoulement;

5. Reiterates the importance of ensuring access, for all persons seeking international protection, to fair and efficient procedures for the determination of refugee status or, as appropriate, to other mechanisms to ensure that persons in need of international protection are identified and granted such protection, while not diminishing the protection afforded to refugees under the terms of the 1951 Convention, the 1967 Protocol and relevant regional instruments;

6. Calls upon all States to assist and support the High Commissioner's efforts to continue to provide international protection and assistance, in accordance with the relevant General Assembly resolutions, to persons who have been forced to flee or to remain outside their countries of origin as a result of danger to their life or freedom owing to situations of conflict, and to seek solutions to the problems arising from their forced displacement;

7. Recognizes the desirability of exploring further measures to ensure international protection to all who need it, including temporary protection and other forms of asylum oriented towards repatriation, in situations of conflict or persecution involving large-scale outflows and in which return home is considered the most appropriate durable solution, and encourages the High Commissioner to continue to promote international cooperation and to engage in further consultations and discussions concerning measures to achieve this objective, acknowledging the value of regional arrangements in this regard;

8. Stresses the importance of international solidarity and burden-sharing in reinforcing the international protection of refugees, and urges all States, and relevant non-governmental organizations, in conjunction with the Office of the High Commissioner, to cooperate in efforts to lighten the burden borne by States that have received large numbers of asylum-seekers and refugees;

9. Reiterates that voluntary repatriation, when it is feasible, is the ideal solution to refugee problems, calls upon countries of origin, countries of asylum, the Office of the High Commissioner and the international community as a whole to do everything possible to enable refugees to exercise freely their right to return home in safety and dignity, ensuring that international protection continues to be extended until that time, and assisting, where needed, the return and reintegration of repatriating refugees, and further calls upon the High Commissioner, in cooperation with States concerned, to promote, facilitate and coordinate the voluntary repatriation of refugees, including the monitoring of their safety and well-being on return;

10. Calls for a more concerted response by the international community to the needs of internally displaced persons and, in accordance with its resolution 48/116, reaffirms its support for the High Commissioner's efforts, on the basis of specific requests from the Secretary-General or the competent principal organs of the United Nations and with the consent of the State concerned, and taking into account the complementarities of the mandates and expertise of other relevant organizations, to provide humanitarian assistance and protection to such persons, emphasizing that activities on behalf of internally displaced persons must not undermine the institution of asylum, including the right to seek and enjoy in other countries asylum from persecution;

11. Calls upon the international community to provide timely and speedy humanitarian assistance and support to countries affected by internal displacement to help them fulfil their responsibility towards the displaced;

12. Calls, likewise, upon States and all parties to conflicts to take all necessary measures to ensure impartial, safe and timely humanitarian access to persons in need of protection and assistance;

13. Acknowledges the continued close cooperation between the High Commissioner and the representative of the Secretary-General on internally displaced persons in the exercise of his mandate, and recognizes the importance of their close cooperation, and of cooperation with the International Committee of the Red Cross, with respect to prevention, protection, humanitarian assistance and solutions;

14. Encourages the High Commissioner to continue to support the coordination role of the Emergency Relief Coordinator, especially in major and complex emergencies;

15. Underlines the need for further progress by the United Nations system in addressing in a coherent and mutually supportive manner humanitarian assistance, rehabilitation and development activities, especially in countries to which refugees are returning voluntarily, and calls upon the Economic and Social Council to review the complementarities of relevant United Nations organizations in this regard;

16. Emphasizes the need, particularly in complex emergencies that include humanitarian and peace-keeping operations, to ensure respect for the High Commissioner's protection mandate and to preserve the impartial and purely humanitarian nature of the activities of the Office;

17. Expresses profound concern at conditions in a number of countries and regions that seriously endanger the security of the staff of the Office of the High Commissioner and other relief workers, deplores the loss of lives among such personnel, urges support for initiatives taken by the High Commissioner and within the General Assembly and the Security Council concerning the safety of United Nations and associated personnel, in particular the consideration of new measures to enhance the safety of such personnel, and calls upon States and all parties to conflicts to take all necessary measures to ensure the security of international and local staff undertaking humanitarian work in the countries concerned;

18. Urges the High Commissioner, Governments and other relevant organizations to intensify efforts to respond to the protection and assistance needs of refugee children, particularly those of unaccompanied minors, and calls upon States to safeguard the security of refugee children and to ensure that they are not recruited into the military or other armed groups;

19. Encourages the High Commissioner to continue to undertake initiatives for refugee women in the areas of leadership and skills training, legal awareness and education and, in particular, in the area of reproductive health, with full respect for the various religious and ethical values and cultural backgrounds of the refugees, in conformity with universally recognized international human rights;

20. Calls upon States to assist the High Commissioner to fulfil her responsibilities, under General Assembly resolution 3274 (XXIX) of 10 December 1974, with respect to the reduction of statelessness, including the promotion of accessions to and full implementation of international instruments relating to statelessness;

21. Notes the relationship between safeguarding human rights and preventing refugee situations, and welcomes the High Commissioner's growing cooperation with the United Nations High Commissioner for Human Rights and her continued cooperation with the Centre for Human Rights of the Secretariat and the Commission on Human Rights;

22. Reaffirms the importance of incorporating environmental considerations into the programmes of the Office of the High Commissioner, especially in the least developed countries which have hosted refugees over long periods of time, in view of the impact on the environment of the large numbers of refugees and displaced persons of concern to the Office of the High Commissioner;

23. Welcomes efforts to strengthen collaboration among Governments, the Office of the High Commissioner and non-governmental organizations, including through the Partnership in Action process, and encourages non-governmental organizations, Governments and the Office of the High Commissioner to identify areas for further cooperation;

24. Calls upon all Governments and other donors to contribute to the programmes of the Office of the High Commissioner and, taking into account the effect on host countries of the increasing requirements of large refugee populations, and the need to widen the donor base and to achieve greater

burden-sharing among donors, to assist the High Commissioner in securing additional and timely income from traditional governmental sources, other Governments and the private sector in order to ensure that the needs of refugees, returnees and displaced persons of concern to the Office of the High Commissioner are met.